



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Melissa Flores, Esq.  
In-House Counsel  
ActBlue  
366 Summer Street  
Somerville, MA 02144

MAR 20 2018

RE: MUR 7131  
ActBlue and Erin Hill in her  
official capacity as treasurer

Dear Ms. Flores:

On September 1, 2016, the Federal Election Commission notified ActBlue and Erin Hill in her official capacity as treasurer ("ActBlue") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On October 20, 2016, the Commission notified ActBlue of a supplemental complaint in this matter. Copies of the complaint and supplemental complaint were provided to ActBlue at that time. Upon further review of the allegations contained in the complaint and supplemental complaint, and information supplied by ActBlue, the Commission, on March 6, 2018, voted to dismiss the allegation that ActBlue violated 11 C.F.R. § 110.6(c)(1)(iv). Accordingly, the Commission closed its file in this matter. The Commission cautions ActBlue regarding its compliance with the regulations concerning the reporting of earmarked contributions by conduits and intermediaries.

Documents related to this case will be placed on the public record within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*. 81 Fed. Reg. 50,702 (August 2, 2016). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

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If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Mark Allen  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

ENCLOSURE

# FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: ActBlue and Erin Hill in her official  
capacity as treasurer

MUR 7131

### I. INTRODUCTION

The Complainant in the matter alleges that ActBlue may not be forwarding accurate employment information on contributions thorough which it serves as an intermediary. ActBlue denies the reporting allegation. For the reasons below, the Commission dismisses with caution the allegation that ActBlue failed to accurately report occupation and employer information on a contribution.

### II. FACTUAL AND LEGAL ANALYSIS

#### A. Factual Background

Representative Carol Shea-Porter was a candidate for reelection in the First Congressional District of New Hampshire in 2014,<sup>1</sup> and Carol Shea-Porter for Congress is her principal campaign committee. During the 2014 election cycle, Susan Mayer was a part-time staffer in Shea-Porter's congressional district office in New Hampshire and volunteered part-time on her re-election campaign.<sup>2</sup> Senior Votes Count ("SVC") is a non-connected committee that disclosed the receipt of a \$3,110 contribution from Mayer on October 29, 2014, which was transmitted to SVC through ActBlue.<sup>3</sup> SVC disclosed Mayer's occupation and employer as

<sup>1</sup> Representative Shea-Porter lost her reelection bid on November 4, 2014. She ran again in 2016 for the same Congressional seat, and was elected on November 8, 2016.

<sup>2</sup> See <http://congressional-staff.insidegov.com/>.

<sup>3</sup> SVC 2014 Post-General Election Report at 6 (Dec. 4, 2014). ActBlue is a non-connected committee that acts as an intermediary for individual contributions made on its website to Democratic candidates and to political committees. ActBlue Resp. at 1.

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information to SVC.<sup>11</sup> ActBlue's response, however, conflicts with its disclosure report, which disclosed Mayer's occupation and employer information as "Congressional staffer" and "U.S. House of Representatives," respectively.<sup>12</sup>

While it appears that SVC reported the contributor information that ActBlue provided, that information was incorrect. Nevertheless, the Commission exercised its prosecutorial discretion and dismisses the allegation that Act Blue violated 11 C.F.R. § 110.6(c)(1)(iv) because ActBlue accurately reported Mayer's occupation and employer information on its own reports, and the incorrect disclosure relates to one contributor who gave less than the statutory limit.<sup>13</sup> The Commission also cautions ActBlue about its reporting obligations.<sup>14</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> ActBlue 2014 Post-General Election Report at 329,743 (Dec. 4, 2014).

<sup>13</sup> *See Heckler v. Chaney*, 470 U.S. 821 (1985).

<sup>14</sup> *See* 11 C.F.R. § 110.6(c)(1)(iv)(A) (conduit or intermediary reporting contributor information to recipient committee); 11 C.F.R. § 104.7(b)(4) and 58 Fed. Reg. 57,725, 57,728 (Mar. 3, 1994) (Explanation and Justification) (if a committee receives contributor information after the contribution has been reported, it should either file an amended memo Schedule A with its next scheduled report, listing the contribution for which additional information was received including occupation and employer information, or file on or before the next scheduled report, amendments to the original reports on which the contributions were originally reported).